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**Electronically-Filed Document**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SIGNATURE BANK,

Plaintiff,

- against -

AHAVA FOOD CORP. d/b/a NORTH COUNTRY  
 CHEESE CORP., LEWIS COUNTY DAIRY CORP.,  
 ST. LAWRENCE FOOD CORP. d/b/a PRIMO  
 FOODS, YONI REALTY, LLC, SCHWARTZ AND  
 SONS QUALITY DISTRIBUTORS, INC., MOISE  
 BANAYAN, ANA BANAYAN a/k/a CHANA  
 BANAYAN, REBECCA BANAYAN a/k/a  
 REBECCA BARIMYAN a/k/a REBECCA  
 BANAYAN-LIEBERMAN, FARIBORZ BANAYAN  
 a/k/a AARON BANAYAN, RUBEN BEITYAKOV,  
 ARI KATZ, AHAVA OF CALIFORNIA, LLC d/b/a  
 AHAVA NATIONAL FOOD DISTRIBUTOR and  
 NORTH COUNTRY MANUFACTURING, and  
 JOHN DOES 1 through 50,

Defendants.

08 Civ. 3893 (NRB)(MHD)

**NOTICE OF MOTION TO COMPEL**  
**AND FOR SANCTIONS**

**PLEASE TAKE NOTICE** that Plaintiff Signature Bank, by its attorneys

Herrick, Feinstein, LLP, shall move, before the Honorable Naomi Riece Buchwald , U.S.D.J., United States Courthouse, Room 21A, 500 Pearl Street, New York, New York, 10007, for the entry of an Order: (1) compelling non-party witnesses Yehuda Banayan and Miriam Schwartz to

comply with subpoenas served by Plaintiff Signature Bank ("Signature") in the above-entitled action; and (2) holding Yehuda Banayan and Miriam Schwartz in contempt, and awarding Signature sanctions in the form of its costs and reasonable attorneys fees incurred due to their non-compliance with the subpoenas.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, Plaintiff shall rely upon the this Notice of Motion, the attached Declaration of John Oleske, and the accompanying Memorandum of Law.

Dated: New York, New York  
August 15, 2008

HERRICK, FEINSTEIN LLP

By: \_\_\_\_\_

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